

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
CORPUS CHRISTI DIVISION**

**BERRY CONTRACTING, LP D/B/A  
BAY, LTD.  
Plaintiff**

**VS.**

**M/V ARIES SWAN, its engines  
Tackle, etc., *in rem*,  
Defendant**

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**CIVIL ACTION NO. C-08-312**

**IN ADMIRALTY, Rule 9(h)**

**CLAIM OF OWNER FOR M/V ARIES SWAN**

TO THE HONORABLE JUDGE OF SAID COURT:

NOW INTO COURT, through undersigned counsel, comes Aries Supply 1 KS, appearing solely as claimant of the *in rem* defendant, M/V *ARIES SWAN*, and with a full reservation of all rights and defenses pursuant to Rule E(8) of the Federal Rule of Civil Procedure, files this its Claim of Owner pursuant to Supplemental Federal Rules of Civil Procedure C(6) and asserts that it is the owner of the M/V *ARIES SWAN*, as the same is proceeded against herein, and respectfully prays for leave to defend the said vessel, *in rem*, accordingly.

Respectfully submitted,

By: /s/ John R. Pearson

John R. Pearson

State Bar No. 15693000

J. James Cooper

State Bar No. 04780010

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Houston, Texas 77002

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**Attorney-in-Charge for Aries Supply 1 KS,  
appearing solely as Claimant of the *in rem*  
Defendant, M/V ARIES SWAN**

Of Counsel:

Gardere Wynne Sewell LLP

1000 Louisiana, Suite 3400

Houston, TX 77002-5011

**Verification**

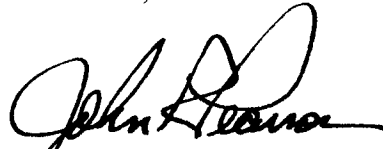
State of Texas        }

}

County of Harris    }

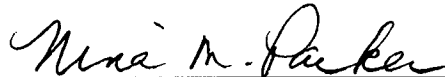
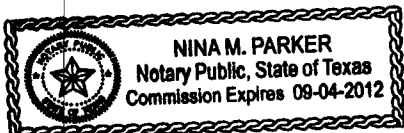
John R. Pearson, being duly sworn, deposes and says.

I am one of the attorneys for the claimant described in the foregoing claim. I have read the claim and know the contents thereof, and the same is true to my own knowledge, except as to matters therein stated to be upon information and belief, and as to those matters I believe it to be true.



John R. Pearson

Sworn to and subscribed before me by John R. Pearson on this 17<sup>th</sup> day of October 2008, to which witness my hand and seal.



Notary Public, State of Texas

## CERTIFICATE OF SERVICE

Pursuant to the provisions of Fed. R. Civ. P. 5, I hereby certify that on this 17<sup>th</sup> day of October, 2008 a true and correct copy of the above document was served via CM/ECF, the Southern District of Texas electronic filing system, to known counsel of record:

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/s/ John R. Pearson

John R. Pearson